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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA, LAS VEGAS DIVISION

Kal-Mor-USA, LLC, a Nevada limited liability company,

Plaintiff,

v.

BANK OF AMERICA, N.A.; RECONTRUST COMPANY, N.A., THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-F, A REMIC TRUST; DOES I through X; and ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:13-CV-00680-LDG-VCF

JOINT SCHEDULING ORDER PURSUANT TO LR 26-1

SPECIAL SCHEDULING REVIEW REQUESTED

1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1, counsel held an initial telephonic conference on June __, 2016, between Allison R. Schmidt, Esq., of Akerman LLP, counsel for Defendants Bank of America, N.A., Recontrust Company, N.A., and The Bank of New York Mellon, FKA the Bank of New York, as Trustee for the Certificate Holders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-F, a Remic Trust

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(collectively, **Defendants**), and Luis Ayon, Esq., Esq., counsel for Plaintiff Kal-Mor-USA, LLC (**Kal-Mor**).

2. Extended Discovery Necessary: The parties request a discovery period longer than 180 days because this litigation involves multiple parties and multiple claims, and logistical issues will make completing discovery in 180 days difficult. Plaintiff asserts quiet title, declaratory relief, and injunctive relief claims against Bank of America. Bank of America asserts counterclaims against Plaintiff for quiet title, declaratory relief, and injunctive relief, and additionally asserts various claims against Red Rock Financial Services and Canyon Willows Homeowners Association. While Bank of America has now submitted its claims against Canyon Willows to NRED mediation, those claims may be reasserted in this action if mediation in unsuccessful. There are several logistical issues that will make completing discovery within 180 days very difficult. First, Plaintiff's 30(b)(6) witness resides in Canada and is a party in a number of cases, making scheduling of depositions difficult. Second, and more importantly, the fact, expert, and 30(b)(6) witnesses that will be deposed in this case are being deposed in hundreds of other HOA quiet title cases, which make deposition scheduling difficult. Finally, and relatedly, the HOA and HOA Trustee in this case are responding to hundreds of subpoenas and discovery requests, and are often unable to timely respond to subpoenas and discovery. In light of these logistical issues, the Parties request approximately 270 days of discovery, measured from the date the Parties prepared this Report.

3. First Appearance: Bank of America moved to dismiss Plaintiff's claims on March 1, 2013. Plaintiff appealed the order granting Bank of America's motion to dismiss, which was reversed and remanded to this Court. On remand, Bank of America answered Plaintiff's Complaint on December 30, 2015.

4. Discovery Plan. The undersigned propose to the Court the following discovery plan:

   a. Subject of Discovery. Discovery will be needed on the following subjects: All claims set forth in the complaint as well as the defenses relevant to the action.

   b. FRCP 26(a)(1) Disclosures: **June 27, 2016**

   c. Discovery Cut-off: **March 13, 2017**

d. FRCP 26(a)(2) Disclosures (Experts):

i. Expert Disclosure: **January 12, 2017**

ii. Rebuttal Expert Disclosure: **February 11, 2017**

e. Amend Pleadings and Add Parties: **December 13, 2016**

f. Interim Status Report: **September 13, 2016**

g. Dispositive Motions: **April 13, 2017**

h. Pretrial Order: **May 13, 2017**. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

i. Settlement: The Parties have not discussed possible settlement at this time. The parties hereby certify pursuant to LR 26-1(b)(7) they met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. The parties determined ADR is not a viable option at this time.

j. Alternative Forms of Case Disposition: The parties hereby certify LR 26-1(b)(8) they considered consent to trial by a magistrate judge and use of the short trial program. They do not consent to either at this time.

k. Extension or Modification of the Discovery Plan and Scheduling Order: LR 26 governs modifications or extensions to this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4.

l. Format of Discovery: The parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate that any e-discovery will be necessary at this time.

m. Electronic Evidence: The parties hereby certify they met and conferred about the use of electronic evidence pursuant to LR 26-1(b)(9). They anticipate presenting evidence in electronic format to jurors for the purposes of jury deliberations and will continue to meet and confer on this issue as necessary.

n. Claw-Back: The inadvertent production of information subject to attorney-client

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privilege or work product immunity or other applicable privilege or immunity will not be deemed to constitute a waiver of such privilege or immunity, in this Court or any other state or federal court, in whole or in part. If the discloser or non-party produces information without intending to waive a claim of privilege, it shall, within a reasonable time after discovering such inadvertent disclosure, notify the receiver of its claim of privilege. After being so notified, the receiver shall promptly return or destroy the specified information and any copies thereof. If the receiver chooses to destroy the specified information pursuant to the terms of this provision, confirmation of such destruction shall be promptly provided to the discloser.

Dated this 28th day of June, 2016.

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ORDER

IT IS SO ORDERED:

____
UNITED STATES MAGISTRATE JUDGE

DATED: 6/29/16

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